

## Department of State

616.102-70

is delegated, without power of redelegation, to the head of the contracting activity. In conformance with FAR 15.607(c)(3)(ii), the head of the contracting activity shall obtain the concurrence of the Office of the Legal Adviser before making a determination pursuant to this subsection.

[53 FR 26168, July 11, 1988, as amended at 59 FR 66759, Dec. 28, 1994]

### **615.608 Proposal evaluation.**

The authority to make the determination prescribed in FAR 15.608(b) is delegated, without power of redelegation, to the head of the contracting activity. The head of the contracting activity shall obtain the concurrence of the Office of the Legal Adviser before making a determination pursuant to this section.

[53 FR 26168, July 11, 1988, as amended at 59 FR 66759, Dec. 28, 1994]

### **615.612 Formal source selection.**

The authority prescribed in FAR 15.612(b), including the authority to designate a source selection authority, is delegated, without power of redelegation, to the head of the contracting activity.

## **Subpart 615.8—Price Negotiation**

### **615.804 Cost or pricing data.**

#### **615.804-3 Exemptions from or waiver of submission of certified cost or pricing data.**

The waiver authority prescribed in FAR 15.804-3(i) is delegated, without power of redelegation, to the head of the contracting activity.

## **PART 616—TYPES OF CONTRACTS**

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AUTHORITY: 40 U.S.C. 486(c); 22 U.S.C. 2658.

SOURCE: 53 FR 26169, July 11, 1988, unless otherwise noted.

### **616.000 Scope of part.**

The contracting officer may use any of the contract types described in FAR part 16 for acquisitions made under simplified acquisition procedures. The contracting officer shall document his/her decision to use a contract type in accordance with the requirements of FAR part 16.

[60 FR 39963, Aug. 3, 1995]

## **Subpart 616.1—Selecting Contract Types**

### **616.102 Policies.**

#### **616.102-70 Overseas posts.**

Pursuant to 601.603-70(a)(1)(i), no authority is delegated to overseas posts to enter into cost-reimbursement, fixed-price incentive, or fixed-price re-determinable contracts, unless the Procurement Executive's approval is obtained. Such requests shall be submitted by the head of the contracting activity on a case-by-case basis.

[59 FR 66759, Dec. 28, 1994]

### Subpart 616.2—Fixed-Price Contracts

#### **616.203 Fixed-Price contracts with economic price adjustment.**

##### **616.203-4 Contract clauses.**

Contracting officers at domestic contracting activities may use an economic price adjustment clause based on cost indexes of labor or material in accordance with the circumstances listed in FAR 16.203-4(d) and after obtaining the approval of the head of the contracting activity. Overseas posts may use the clause at 652.216-71, Price Adjustment, when procuring continuing services (e.g., guard, janitorial, building maintenance, and gardening). Posts shall obtain A/OPE approval for any price adjustment clause that differs from the clause at 652.216-71.

[53 FR 26169, July 11, 1988, as amended at 59 FR 66759, Dec. 28, 1994]

#### **616.207 Firm-fixed-price, level-of-effort term contracts.**

##### **616.207-3 Limitations.**

The head of the contracting activity is the chief of the contracting office for the purposes of FAR 16.207-3.

### Subpart 616.3—Cost-Reimbursement Contracts

#### **616.301-3 Limitations.**

The determination and findings prescribed in FAR 16.301-3(c) shall be executed by the contracting officer.

[53 FR 26169, July 11, 1988, as amended at 59 FR 66759, Dec. 28, 1994]

#### **616.306 Cost-plus-fixed-fee contracts.**

The authority to make the determination prescribed in FAR 16.306(c)(2) is delegated to the head of the contracting activity. This authority may be redelegated.

[53 FR 26169, July 11, 1988, as amended at 59 FR 66759, Dec. 28, 1994]

### Subpart 616.5—Indefinite-Delivery Contracts

#### **616.505 Contract clauses.**

##### **616.505-70 DOSAR contract clause.**

The contracting officer shall insert the clause at 652.216-70, Ordering—Indefinite-Delivery Contract, whenever the clause at FAR 52.216-20, Definite Quantity, or the clause at FAR 52.216-21, Requirements, or the clause at FAR 52.216-22, Indefinite Quantity, is used.

### Subpart 616.6—Time-and-Materials, Labor-Hour, and Letter Contracts

#### **616.603 Letter contracts.**

##### **616.603-2 Application.**

The contracting officer, after obtaining approval of the head of the contracting activity, is authorized to extend the period to definitize a letter contract in accordance with FAR 16.603-2(c) and when such action is in the best interest of the Government. For this purpose, the contracting officer shall execute a written determination and findings, and submit it to the head of the contracting activity for approval. For cases where the contracting officer is also the head of the contracting activity, the Procurement Executive shall approve the determination and findings.

[53 FR 26169, July 11, 1988; 53 FR 36462, Sept. 20, 1988, as amended at 59 FR 66759, Dec. 28, 1994]

## PART 617—SPECIAL CONTRACTING METHODS

### Subpart 617.1—Multiyear Contracting

#### Sec.

##### 617.102 Policy.

##### 617.102-2 General.

##### 617.102-3 Objectives.

### Subpart 617.2—Options

#### 617.201 Definitions.

##### 617.201-70 DOSAR Definitions.

##### 617.204 Contracts.